

PART 5310--SPECIFICATIONS, STANDARDS, AND OTHER PURCHASE DESCRIPTIONS

PART 5310--SPECIFICATIONS, STANDARDS, AND OTHER PURCHASE DESCRIPTIONS

TABLE OF CONTENTS

Title	Paragraph	Page
SUBPART 5310.90—ELIMINATION OF USE OF CLASS I OZONE DEPLETING SUBSTANCES (ODS)		
Scope of subpart.....	5310.9000	10-1
Definitions.....	5310.9001	10-1
Air Force policy	5310.9002	10-1
Air Force responsibilities	5310.9003	10-2
Selecting commercial specifications or descriptions for Air Force use	5310.9004	10-3
Management of Air Force purchase descriptions.....	5310.9005	10-3
Contract clause	5310.9006	10-3

Blank Page

PART 5310--SPECIFICATIONS, STANDARDS, AND OTHER PURCHASE DESCRIPTIONS

AFFARS Subpart 5310.90 Elimination of Class I Ozone Depleting Substances (ODS)**5310.9000 Scope of subpart.**

This part prescribes Air Force policies and procedures for eliminating the use of Class I Ozone Depleting Substances in all Air Force procurements.

5310.9001 Definitions.

"Ozone Depleting Substance (ODS)" is a substance identified as having a detrimental effect on the Earth's ozone layer. The terms Ozone Depleting Substance (ODS), Ozone Depleting Chemical (ODC), and Ozone Layer Depleting Substance (OLDS) are synonymous. Ozone Depleting Substances are Class I substances included in the Clean Air Act Amendments of 1990 and other substances identified by the Air Force. The substances covered by this policy include:

(a) Halons: 1011, 1202, 1211, 1301 and 2402;

(b) Chlorofluorocarbons (CFCs): CFC-11, CFC-12, CFC-13, CFC-111, CFC-112, CFC-113, CFC-114, CFC-115, CFC-211, CFC-212, CFC-213, CFC-214, CFC-215, CFC-216, and CFC-217, and the blends R-500, R-501, R-502, and R-503; and

(c) Other Controlled Substances: Carbon Tetrachloride, Methyl Chloroform, and Methyl Bromide.

"Suitable Substitute" is an alternative to ODS use that is determined to be technically, economically, and legally feasible through elimination, process modification, or material substitution.

"Trigger Contract Modification" is a contract modification that causes the initial review of ODS requirements on a contract that was awarded before 1 Jun 93 when:

(a) The contract's value was greater than \$10 million on 1 Jun 93; and

(b) As a result of the modification, the contract will expire more than one year after the effective date of the modification.

"Completed ODS Evaluation" is when the requiring activity either:

(a) Issues a statement that the Government does not

require ODS (See 5310.9005(a));

(b) Identifies a suitable substitute for the ODS and initiates action to implement the substitute; or

(c) Receives the required ODS waiver approval in accordance with Air Force ODS waiver approval policy.

5310.9002 Air Force policy.

(a) It is Air Force policy to preserve mission readiness while minimizing dependency on Class I Ozone Depleting Substances (ODS) and their release into the environment, to help protect the Earth's stratospheric ozone layer. This policy applies to:

(1) Contracts, purchase orders, leases, delivery orders and local, decentralized purchasing authorities (including IMPAC cards, SF 44s, and imprest funds);

(2) Foreign Military Sales (FMS) contracts;

(3) Air Force requirements procured through other agencies under authorities such as the Economy Act (31 U.S.C. 1535); and

(4) Purchases made by Air Force contracting organizations on behalf of other agencies.

(b) Contracts awarded on or after 1 Jun 1993, and certain contracts awarded prior to 1 Jun 1993 but modified on or after 1 Jun 1993 (See DFARS 210.002-71), may not include any specification, standard, drawing or other document that:

(1) Requires the use of a Class I ODS in the design, manufacture, test, operation, or maintenance of any system, subsystem, item, component or process; or

(2) Establishes a requirement that can only be met by the use of a Class I ODS.

(c) Contract modifications of a solely administrative nature or for funding actions do not require a statement that the Government does not require ODS (See 5310.9005(a)) or a waiver approval. The following applies to all other contract modifications:

(1) Modifications to contracts awarded on or after 1 Jun 93 shall be evaluated to determine if the modification adds new work, a new ODS, or new ODS applications not previously reviewed and approved. The modification will not be issued until the requiring activity issues either

PART 5310--SPECIFICATIONS, STANDARDS, AND OTHER PURCHASE DESCRIPTIONS

a statement that the Government does not require ODS (See 5310.9005(a)) or obtains a waiver approval for the ODS requirements above the previously evaluated baseline.

(2) Contracts awarded before 1 Jun 93, that become subject to the statutory ODS restrictions (See DFARS 210.002-71(b)) as a result of the instant contract modification, shall be evaluated to determine if the contract, as modified, requires the use of an ODS or is written so that it can only be met by the use of an ODS. The instant contract modification is issued and becomes the "trigger contract modification." No further contract modifications may be made to the contract until the ODS evaluation is complete.

(3) Modifications to contracts awarded before 1 Jun 93, that are covered by the statutory ODS restrictions (See DFARS 210.002-71(b)) as a result of a previous trigger contract modification, shall be evaluated to determine if the instant modification adds new work, new ODS, or new ODS applications not previously reviewed and approved. The contract modification will not be issued until the requiring activity either issues a statement that the Government does not require ODS (See 5310.9005(a)), or obtains a waiver approval for the ODS requirements above the previously evaluated baseline.

(d) When ODS is not required in a procurement, the requiring activity must furnish a written statement to the contracting officer that the Air Force does not require the contractor to use Class I ODS in the performance of the contract (See 5310.9005(a)). The content of the written statement will be in accordance with Air Force waiver approval procedures. A copy of the written statement will be maintained in the contract file.

(e) When the Government requires the use of ODS or has written the requirement so that it can only be met by the use of an ODS, waiver approvals shall be obtained by the requiring activity in accordance with Air Force waiver approval procedures. A copy of the waiver approval document will be maintained in the contract file.

5310.9003 Air Force responsibilities.

(a) Contracting officers shall ensure that the contract file for each contract awarded on or after 1 Jun 1993, and certain contracts awarded before 1 June 1993 but subsequently modified (See DFARS 210.002-71), contains either:

(1) A statement from the requiring activity that the Government does not require ODS (See 5310.9005(a));
or

(2) An approved waiver request document. This requirement does not apply to contract modifications of a solely administrative nature or for funding actions.

(b) Requiring activities are responsible for preparing, processing, and providing the statements and approval documents discussed above, to the contracting officer.

(c) Prior to contract award, if an offeror notifies the contracting officer (in accordance with the clause at 5352.210-9000(e)) that a Class I ODS is required in the performance of the proposed contract, but has not been approved for inclusion in the contract, the contracting officer shall immediately inform the requiring activity. The requiring activity, with the support of the contracting officer shall, prior to contract award, take immediate action to either:

(1) Remove the ODS requirement from the solicitation;

(2) Determine that a suitable substitute exists and modify the solicitation accordingly; or

(3) Obtain a waiver approval to include the requirement for the ODS in the solicitation.

(d) After contract award, if a contractor notifies the contracting officer (in accordance with the clause at 5352.210-9000(e)) that a Class I ODS has been required in the performance of the contract, but has not been approved for inclusion in the contract, the contracting officer shall immediately inform the requiring activity.

(1) If the contract has previously been reviewed for ODS content, the requiring activity, with the support of the contracting officer, shall take immediate action to either:

(A) Remove the ODS requirement from the contract;

(B) Determine that a suitable substitute exists and modify the contract accordingly; or

(C) Obtain a waiver approval to include the requirement for the ODS in the contract. Contract performance may continue while the requiring activity and contracting officer take necessary action described above.

(2) If the contract has not previously been reviewed for ODS content and is not covered by the statutory restrictions on ODS, the requiring activity, with the support of the contracting officer, may take action to evaluate the requirement and either:

PART 5310--SPECIFICATIONS, STANDARDS, AND OTHER PURCHASE DESCRIPTIONS

(A) Remove the ODS requirement from the contract;
or

(B) Determine that a suitable substitute exists and
modify the contract accordingly.

5310.9004 Selecting commercial specifications or descriptions for Air Force use.

(a) Commercial products and commercial items as defined by FAR 11.001 and DFARS 211.7001(a), respectively, may be purchased without approved waivers, or statements that the Government does not require ODS (See 5310.9005(a)). Before the Government may add specifications or other restrictions on commercial products or items, that mandate the use of ODS, the requiring activity must obtain an approved waiver and provide a copy to the contracting officer.

(b) For purchases using commercial part numbers or manufacturers' part numbers, when the Government does not control configuration, specifications, standards, drawings, or other documents, neither an approved waiver nor a statement that the Government does not require ODS (See 5310.9005(a)) are necessary.

(c) When the Government controls configuration, specifications, standards, drawings, or other documents that include the use of ODS on commercial parts, the requiring activity must obtain an approved waiver to purchase the parts.

(d) The following are exceptions to the guidance in (a) and (b) above:

(1) Purchases of Class I ODS in bulk (any quantity or type) require an approved waiver; and

(2) The purchase of facility air conditioning systems, aerospace ground equipment, commercial vehicles, and other refrigeration and support equipment that use ODS as a refrigerant/coolant is prohibited.

5310.9005 Management of Air Force purchase descriptions.

(a) The statement that the Government does not require ODS shall read as follows:

"I have reviewed the requirement, including available technical documentation, and believe that it does not require the contractor to use Class I ozone depleting substances (ODS) identified in Air Force Policy, nor is it written so that it can only be met by the use of a Class I ODS."

(b) The above statement may be documented in a variety of ways, such as being included in the item description of electronic Base Contracting Automated System requirement documents. Another example is the statement may be stamped on a Air Force Form 9, Purchase Request. It may also be included in a listing of National Stock Numbers (NSNs) or stock classes reviewed on a one-time basis, agreed between base supply activities and the local contracting office. Future purchases of these NSNs or in these stock classes would not require an individual statement.

5310.9006 Contract clauses.

(a) If the nature of a requirement is such that the use of an ODS is certain or possible, the contracting officer shall include the clause at 5352.210-9000, "Elimination of Use of Class I Ozone Depleting Substances (ODS) in Air Force Procurements," in Section H of solicitations and contracts to advise the contractor of Air Force policy and ask for the contractor's voluntary assistance in notifying the Government if any ODS requirements have been overlooked.

(b) When the use of a Class I ODS has been approved, the contracting officer shall list the ODS substances, their applications/uses, and quantities in the clause at 5352.210-9000, "Elimination of Use of Class I Ozone Depleting Substances (ODS) in Air Force Procurements."

(c) When a contract allows for decentralized ordering by multiple ordering activities, the contracting officer shall include the clause at 5352.210-9000, "Elimination of Use of Class I Ozone Depleting Substances (ODS) in Air Force Procurements," in Section H of the basic solicitation and the basic contract, whether or not ODS requirements are part of the procurement. If no ODS is required, "NONE" shall be entered in the clause. This clause shall serve as notice to all potential ordering activities that an ODS review has been completed. Orders against a contract that contains the clause with "NONE" entered, may be placed without additional ODS reviews or the need for a statement from the requiring activity that "the Government does not require ODS."

Blank Page